

REMARKS

In the Office Action, the Examiner objected to claim 3, rejected claims 1, 2, and 4, and incorrectly asserted that Applicants withdrew claims 7-9. By this paper, the Applicants cancelled claims 10-35, added new claims 36-57, and amended claim 1 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-4, 7-9, and 36-57 will be pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, the Applicants respectfully request reconsideration and allowance of all pending claims.

With respect to claims 7-9, in the most recent Office Action, the Examiner incorrectly asserted that Applicants made an "election with traverse of claims 1-4 in the reply filed on 1/25/05." Office Action mailed March 3, 2005, page 2. However, in the previous Office Action Response, Applicants addressed the election of species requirement, stating:

Regarding the election of species requirement, the Applicants elect to prosecute **Species 1: Figures 1-4 with traverse**. After careful review of the figures and the claims, the Applicants submit that **claims 1-4, 7-18, and 20-27 all read on Species 1: Figures 1-4**. (Bold font added.) Office Action Response mailed January 18, 2005, page 8.

Also in the previous Office Action Response, Applicants addressed the restriction requirement by stating, "the Applicants elect to prosecute claims 1-9." Office Action Response mailed January 18, 2005, page 7. Taking these two statements together, Applicants elected to prosecute claims 1-4 and 7-9, not just claims 1-4 as asserted by the Examiner.

With respect to the amendments, Applicants stress that the present and previous amendments are not believed to narrow the scope of the present claims, but rather these amendments broaden the scope or increase potential damages for

infringement of the present claims. However, if these amendments narrow elements of the claims in any way, then Applicants emphasize that it is not for reasons relating to patentability. For example, the Applicants note that certain amendments clarify the elements of the claim, yet these amendments are neither necessary nor required by the Examiner to overcome rejections under 35 U.S.C. §§ 101, 102, 103, 112, or other relevant laws relating to patentability. However, if any amendments do, *arguendo*, narrow elements of the claims for reasons relating to patentability, then the Applicants do not believe these amendments preclude application of the doctrine of equivalents in accordance with the Supreme Court's recent decision in *Festo*. *See Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q. 2d 1705, 1714 (Sup. Ct. 2002); *see also Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 68 U.S.P.Q. 2d 1321, 1327-28 (Fed. Cir. 2003). The Applicants, as those of skill in the art, are neither aware of, nor do Applicants foresee, any equivalents to any such claim elements, which are *arguendo* narrowed for reasons relating to patentability. *See Festo*, 62 U.S.P.Q. 2d at 1714. Moreover, if any equivalents exist, *arguendo*, at the time of these amendments, then the Applicants emphasize that the reasons for amending the particular claim element are only tangentially related to the equivalents. *See id.* Finally, if equivalents are, *arguendo*, foreseeable or directly related to the reasons for these amendments, then the Applicants respectfully assert that shortcomings of the language, and other reasons, prevented the Applicants from adequately describing the particular equivalent. *See Festo*, 68 U.S.P.Q. 2d at 1327-28. For these reasons, the Applicants do not surrender any potentially existing or future equivalents relating to elements of the present claims.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-2 and 4 under U.S.C. § 102(b) as anticipated by Kasden (U.S. Patent No. 5,348,495). Applicants respectfully traverse this rejection.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

Claim Features Omitted from Cited Reference

Turning to the claims, the present independent claim 1 recites, *inter alia*, “a clip body positionable *about* a power distribution unit *configured to plug into a wall outlet* and adapted to secure a cable plug to the power distribution unit.” (Emphasis added.)

In the Office Action, the Examiner specifically stated, “Kasden discloses a cable plug retention clip comprising: a clip body (13) adapted to secure a cable plug (64) to a power distribution unit (10).” Office Action mailed March 29, 2005, page 2.

The Examiner’s rejection is flawed for a number of reasons. The cited reference does not teach or suggest “a clip body positionable *about* a power distribution unit,” as recited by independent claim 1. Kasden instead teaches a locking arm 40 that engages a locking bracket 18 extending from the front surface 16 of a socket face plate 12. Kasden, col. 2, ll. 60-col. 3, ll. 11. Even if, *ad arguendo*, the locking arms 40 taught by Kasden are characterized as part of a clip body and the wall outlet is

characterized as a power distribution unit, no part of the device taught by Kasden is positionable *about* the wall outlet. In fact, the locking arms 40 do not even extend past the front surface 16 of the socket face plate 12. Thus, Kasden does not teach a clip body positionable *about* a power distribution unit.

Moreover, Kasden does not teach a clip body positionable about a power distribution unit *configured to plug into a wall outlet*. Instead, Kasden teaches a device adapted to engage the socket face plate 12 of a wall outlet itself. Indeed, Kasden fails to teach or suggest any power distribution unit configured to plug into a wall outlet, let alone a clip body positionable about such a power distribution unit. In view of these deficiencies, the cited reference cannot anticipate independent claim 1 and its dependent claims.

For these reasons, the Applicants respectfully requests withdrawal of the rejections under 35 U.S.C. § 102.

New Claims

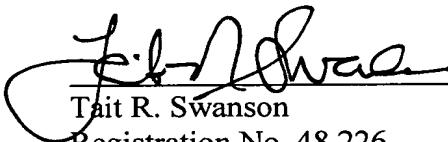
As noted above, the Applicants added new claims 36-57. After careful review of the cited Kasden reference, the Applicants stress that each of these claims recites a variety of features missing from Kasden. For example, claim 36 recites “a first retention mechanism comprising *a tooth* configured to secure the clip body to the lip of the cable plug”; claim 43 recites “a clip body configured to contact *at least two sides* of a power distribution unit”; and claim 51 recites “a first retention mechanism extending from the clip body and configured to secure the clip body to a cable plug, wherein the first retention mechanism and the clip body are *a single piece of material*.” (Emphasis added.) In contrast, Kasden fails to teach or even suggest these features. Accordingly, the Applicants respectfully request allowance of these new claims.

Conclusion

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: June 23, 2005


Tait R. Swanson
Registration No. 48,226
(281) 970-4545

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400